

Appln. Serial No. 10/672,356

Reply to Restriction Requirement Mailed September 26, 2007

REMARKS

The Restriction Requirement dated September 26, 2007 identified two inventions: Invention I (claims 1-16), and Invention II (claims 17-19). Applicant elects, without traverse, Invention I (claims 1-16).

The Restriction Requirement also identified four species: Specie I (claims 1-5); Specie II (claims 6-10); Specie III (claims 11-12); and Specie IV (claims 13-16).

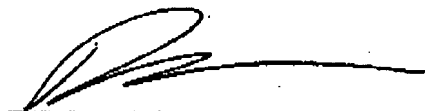
Applicant elects, with traverse, the claims readable on Specie I (claims 1-5).

It is respectfully submitted that the identification of different sets of claims as constituting difference species is improper. As stated by the M.P.E.P.: "Claims are definitions or descriptions of inventions. **Claims themselves are never species. ... Species always refer to the different embodiments of the invention.**" M.P.E.P. § 806.04(e) (8th ed., Rev. 6), at 800-43 (emphasis added).

For a proper restriction based on species, the Office Action must identify specific embodiments in the present application. The Office Action has failed to identify embodiments; rather, the Office Action has merely identified different sets of claims as species. As noted by the M.P.E.P., since claims are never species, such identification is clearly improper. Therefore, withdrawal of the Restriction Requirement is respectfully requested.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200310994-1).

Respectfully submitted,

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